

NOTE: As provided in LFC policy, this report is intended for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used in any other situation.

Only the most recent FIR version, excluding attachments, is available on the Intranet. Previously issued FIRs and attachments may be obtained from the LFC office in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR: Lujan DATE TYPED: 02/28/01 HB HJM 68
 SHORT TITLE: Study Alternative Placement Options SB _____
 ANALYST: Chabot

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	NFI				

SOURCES OF INFORMATION

LFC Files
 Children, Youth and Families Department (CYFD)

SUMMARY

Synopsis of Bill

A Joint Memorial resolving that CYFD study the efficacy of alternative placement, including congregate care and small regulated community adoption and permanency homes, in addition to foster and adoptive homes, and submit a plan of study to the appropriated interim legislative committee in June 2001 and its findings and suggested legislation in October 2001.

Significant Issues

Abused and neglected children in the custody of CYFD have an average of three placements within their first year and may have four or more social workers assigned to their case in the same period. Expanding the options for foster and/or adoptive care may result in a reduction of the number of placements.

While CYFD concurs with the intent of the joint memorial, they state that in order to continue to receive federal funds, congregate care options may be only after family-like placements have been pursued and determined to be unavailable or inappropriate. Congregate care settings can only be used for children who are at least 12 years old.

The Adoptions and Safe Families Act Section 475 (5) (C) and the 45 Code of Federal Regulations Part 1355.20 requires putting children into the least restrictive setting in the following order:

1. Reunification with the child's family;
2. Adoption;
3. Guardianship;

House Joint Memorial 68 -- Page 2

4. Placement with a fit and willing relative; and
5. Other planned permanent living arrangement.

Congregate care facilities fall under option 5 and CYFD must document compelling reasons to a State court in each case as to why one of the first four options are not appropriate before it can be considered.

A study could identify the availability of congregate care and small regulated community adoption and permanency homes that may be available statewide. In addition, the estimated use could be established while still complying with federal mandates.

ADMINISTRATIVE IMPLICATIONS

CYFD will have to designate a study group, develop a project schedule, conduct the study, and prepare interim and final reports to an interim legislative committee with existing staff and other resources.

CYFD will have to define the terms “community adoption and permanency homes” before starting the study.

GAC/ar